

**CALIFORNIA ENERGY COMMISSION**

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**WEBSITES**

Main website: [www.energy.state.ca.us](http://www.energy.state.ca.us)

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## **Examples of Energy Facility Licensing Schedules for 6-Month and 12-Month AFC Processes, and Small Power Plant Exemption (SPPE)**

### **6-Month Energy Facility Licensing Process\***

The 6-month “fast track” permitting process is for thermal power plants that will not cause significant adverse impacts to public health, the transmission system, and the environment; and will comply with all local, state, and federal laws and ordinances. The legislation establishing the 6-month process sunsets on January 1, 2007.

### **Information Requirements for the 6-Month Process**

1. Energy Facilities Siting Regulations, Title 20 California Code of Regulations, section 1704, Appendix B; and
2. “Fast Track” regulations governing the 6-Month Licensing Process, Title 20, California Code of Regulations, section 2022. The regulations require the following.
  - A determination within 45 days of filing whether the application is complete.
  - Within 45 days of deeming the application complete, the Commission shall determine whether the application qualifies for the 6-month process.

### **Example 6-Month Schedule**

The following 6-month schedule includes suggested time frames for critical milestones. To meet the schedule, the applicant must provide timely responses to data requests, and agencies (local, state, and federal) must complete their reviews and issue any formal notices, findings, and opinions comments in a timely manner. The actual schedule will be determined by the Committee assigned to the proceeding.

<b><u>Activity</u></b>	<b><u>Day</u></b>
Applicant files Application for Certification (AFC)	-45
Executive Director's recommendation on data adequacy	-15
Decision on data adequacy at the business meeting	0
Staff files data requests	10
Staff files Issue Identification Report	35
Applicant provides data responses	40
Information hearing and site visit	45
Data response and issue resolution workshop	50
Local, state and federal agency draft determinations*	60
Staff Assessment filed	75
Staff Assessment workshop	85
Local, state and federal agency final determinations*	100
Addendum to Staff Assessment filed	120
Evidentiary hearings	130
Committee files Proposed Decision (20 days after hearing)	150
Hearing on the Proposed Decision	160
Close of Public Comments on the Proposed Decision (15 days after the filing of the Proposed Decision)	165
Commission Decision	180

\*To qualify for the 6-month schedule, projects must meet the requirements of the 12-month regulations (Title 20, California Code of Regulations, section 1704, Appendix B) plus the "fast track" (6-month) regulations. To meet the above milestones, the applicant must provide timely information when requested. Per Public Resources Code section 25550(d) and Title 20, California Code of Regulations, section 2026, local and state agencies are required to complete their reviews and issue any formal notices, findings, and opinions (such as those contained in a final Determination of Compliance, wastewater discharge requirements, biological opinions and land use decisions) within 100 days of the Commission's acceptance of an application as complete. Federal agencies are requested to expedite their review/permits by matching the state schedule in Executive Orders of President George W. Bush.

## **12-Month Energy Facility Licensing Schedule\*\***

The 12-month schedule is the standard Energy Commission process for projects with issues that may take time to resolve such as zoning changes, or adverse impacts to biological resources, water resources, air quality, the transmission system, near by neighborhoods, and public health and safety, etc.

### **Information Requirements for the 12-Month Process**

Energy Facilities Siting Regulations, Title 20, California Code of Regulations, section 1704, Appendix B;

### **Example 12-Month Schedule**

The following schedule includes suggested time frames for critical milestones. To meet the schedule, the applicant must provide timely responses to data requests, and agencies (local, state, and federal) must complete their reviews and issue any formal notices, findings, and opinions comments in a timely manner. The actual schedule will be determined by the Committee assigned to the proceeding.

<b><u>Activity</u></b>	<b><u>Day</u></b>
Applicant files Application for Certification (AFC)	-45
Executive Director's recommendation on data adequacy	-15
Decision on data adequacy at the business meeting	0
Staff files data requests (round 1)	15
Staff files Issue Identification Report	35
Applicant provides data responses (round 1)	45
Information hearing and site visit	45
Data response and issue resolution workshop (round 1)	55
Staff files data requests (round 2, if necessary)	65
Applicant provides data responses (round 2, if necessary)	95
Data response and issue resolution workshop (round 2)	105
Local, state and federal agency draft determinations**	120
Preliminary Staff Assessment filed	150
Preliminary Staff Assessment workshop(s)	170-180
Local, state and federal agency final determinations**	180
Final Staff Assessment filed	210
Evidentiary hearings	220-240
Committee files proposed decision	305
Hearing on the proposed decision	320
Addendum/revised proposed decision	350
Commission Decision	365

\*\* To meet the above milestones, the applicant must provide timely information when requested. Per Public Resources Code, section 25519H), local and state agencies are required to complete their reviews and issue any formal notices, findings, opinions (such as those contained in a final Determination of Compliance, wastewater discharge requirements, biological opinions and land use decisions) within 180 days of the Commission's acceptance of an application as complete. Federal agencies are requested to match the state schedule in Executive Orders of President George W. Bush.

## Small Power Plant Exemption (SPPE)

The Energy Commission may exempt thermal power plants from the certification process if the project is less than 100 megawatts, and has

- no unmitigated adverse impacts on the environment
- no unmitigated adverse impacts on energy resources

Unlike the 6-month and 12-month licensing/permitting processes, the SPPE is an exemption from the licensing process and is **not** a permit or license to build the project. The Energy Commission is the lead agency under the California Environmental Quality Act (CEQA) and will prepare an Initial Study and Final Decision. The power plant developer must apply for the various appropriate licenses and permits from local, state and federal agencies. Those local and state agencies will use the Energy Commission's CEQA document when issuing their respective permits.

The following schedule (4.5 months) includes time frames for critical SPPE milestones. To meet the schedule, the applicant must provide timely responses to data requests, and agencies (local, state, and federal) must provide timely comments. The actual schedule will be determined by the Committee assigned to the proceeding.

There are no specific data adequacy requirements for an SPPE application; however, the more thorough the filing the fewer information requests staff will have of the applicant, and there will be an improved possibility of meeting the schedule. For a sample application, please refer to the 2 SPPEs filed by Modesto Irrigation District for the Woodland 2 project and the Ripon project. They can be viewed electronically on the Commission's website.

### Typical SPPE Schedule

<b><u>Activity</u></b>	<b><u>Day</u></b>
Applicant files application for SPPE	0
Staff files data requests	10
Staff files Issue Identification Report	10
Applicant provides data responses	30
Information hearing and site visit	30
Data response and issue resolution workshop	38
Draft Initial Study filed	60
Draft Initial Study workshop	68
Agency, applicant, public comments on the Application and Initial Study	70
Prehearing conference	85
File "Notice of Intent to File a Negative Declaration"***	90
Final Initial Study filed*	90
Evidentiary hearings	100
Committee files Proposed Decision	120
Comments on the Initial Study and Proposed Decision	130
Commission Decision	135

\*\*\*30 day comment period is required for the "Notice of Intent to File a Negative Declaration" and the Initial Study. The "Notice" and Initial Study are filed with the State Clearinghouse for a 30-day comment period.